

Minutes
Environmental Justice (EJ) Stakeholders Meeting

Wednesday, May 1, 2002
6:00 to 9:00 p.m.

Barrio Logan College Institute
1807 Main Street, San Diego, California 92113

*Attended by:

1	Blaisdell, Robert (OEHHA)	23	Leonard, Bob (ARB)
2	Brandt, Renee (City of LA)	24	Lyou, Joe (CLCVEF)
3	Brown, Carl (ARB)	25	McKinnon, Matt (ARB)
4	Cabrales, Luis (CLCVEF)	26	Miramontes, Maria
5	Christie, Kacey (NASSCO)	27	Miramontes, Arturo
6	Concha-Garcia, Susanna (ALA)	28	Murchison, Linda (ARB)
7	Fazeli, Bahram (CBE)	29	Purcell, Arthur (Chambers)
8	Fletcher, Bob (ARB)	30	Rodriguez, Sonia (EHC)
9	Flores, Marta (FHCSD)	31	Sanchez, Richard (Machinists)
10	Forbis, Paula (EHC)	32	Schaufelberger, Christine (BAAQMD)
11	Garvey, Ellen (BAAQMD)	33	Shimp, Dale (ARB)
12	Held, Tom (RECON)	34	Smith, Dick (SDCAPCD)
13	Henry, Karen (USEPA)	35	Suer, Carolyn (ARB)
14	Hernandez, Fernando (Perkins Elem)	36	Takemoto, Brent (ARB)
15	Jacobs, Paul (ARB)	37	Terry, Lynn (ARB)
16	Jimenez, Francisca (EHC)	38	Tschogl, Kathleen (ARB)
17	Justice, James	39	Tuck, Cindy (CCEEB)
18	Kohatsu, Sachiko (San Diego Co.)	40	Wallerstein, Barry (SCAQMD)
19	Krebs, Patti (IEA)	41	Wang, Mike (WSPA)
20	Krinsk, Leslie (ARB)	42	Wagh, Mike (ARB)
21	Kyle, Amy (UCB)	43	Williams, Jane (CCAT)
22	Lee, Barbara (NSCAPCD)	44	Wyman, Sue (ARB)

* A number of people attended the meeting that did not sign-in

The meeting convened at 6:10 p.m. In his opening remarks, Mr. McKinnon announced that the meeting would be held in two parts. In part one from 6:00 to 7:30 p.m., the stakeholder group would continue discussing aspects of the EJ policies and actions. In part two from 7:30 p.m. to 9:00 p.m., the floor would be opened for comments on local issues of concern.

Work Plan

A wide range of questions were asked about what was in the current draft of the work plan, why those action items were chosen, and points of clarification. To provide some perspective on the draft plan, ARB staff stated that the version that was sent to the stakeholder group represents a vision of how things will get done. At this point, the plan identifies the action items that will be initiated and/or

implemented in 2002-2003 by calendar quarter, with the understanding that other items would be added in future years. Mr. McKinnon noted that over the long-term, the Board's EJ effort will be measured by how much gets done, so it is important that the plan lay out a course of action that will allow for making real progress on the ground. Several stakeholders recognized that ARB staff had put together an "ambitious" plan for the next two-years, that it was consistent with what was said at the Board hearing, and that it was a good starting point for reaching group-consensus. However, mention was also made of a number of items that had not been included in the draft plan. This and other questions, led to several extended discussions about the draft plan, which included:

- What action items are not included in the present draft work plan?
 - Pollution prevention – for example, deployment of zero- and near-zero emissions technologies in low-income and minority communities.
 - Working with local air districts and stakeholders to address community concerns – an on-going effort?
 - Working with local air districts, land-use agencies, etc., to develop ways to incorporate cumulative emissions, exposures, and health risks into the decision-making process – should this be a parallel effort to developing the guidance document?
 - Research items – for example, GIS platforms, measuring the progress in reducing health concerns/impacts, models for cumulative emissions, exposures, and health risks.
 - Air Toxic Control Measures (ATCM) for Hexavalent Chromium and Perchloroethylene – while related items are listed in the draft plan (e.g., #7, #23, #31), the ATCM for hexavalent chromium is under revision and emissions from dry-cleaning will be re-examined in the future.
 - Tool development for cumulative emissions, exposures, and health risks – with all the delays, will this get done on time?
- Is this the work plan for implementation of the EJ policies?

Yes, it lists the action items that will be initiated in 2002-2003 by the EJ section, and is taken from the document approved by the ARB in December 2001 (i.e., Policies and Actions for Environmental Justice). The action items in the document are not the same ones listed in the work plan for the Neighborhood Assessment Program (NAP). In the present draft work plan, there are no specific end-dates for items #1-14, as many will continue to happen indefinitely (e.g., NAP, fact sheets, fuel inspection audits). On the other hand, some items need to be completed in a timely manner due to linkages with items #15-34.

- What are the principal “lessons learned” from Barrio Logan?

With all the effort put forth at Barrio Logan, what have we learned in terms of identifying what kinds of situations need special attention, and how to protect people living in high risk areas? In evaluating what took place there and what was done in response to community concerns, an effort should be made to identify what worked, what we could improve on, and what could be done to implement course corrections sooner. Ultimately, we must “connect the dots” and spell out how we will apply what we learned and why, to other high-risk communities.

At this point, little can be said about what follow-up work may be needed (e.g., air quality and health effects monitoring) or how to incorporate what was learned into the work plan. For example, in attempting to apply what we learned, should we look one-step further in terms of what to do about the people who lose their jobs? In one sense, shifting urban problems of this kind to rural areas, without fixing the problem, is clearly not a sound, long-term solution.

- What does the phrase “access to information” refer to?

In reference to draft Work Plan item #27 and the corresponding action item under Policy IV (6th bullet on page 8 of the policy document), a concern was raised over whether air district enforcement files were “public information.” This would have to be decided on a case-by-case basis, as right-to-know laws limit access to information if it could infringe upon the economic viability of the facility in question. The same criteria would be applicable to information about permit applications. Relative to item #27 (i.e., improve public access to information) in the draft plan, proprietary information must be protected, as free access to trade secrets would be a major disadvantage for businesses in California. The group agreed that ARB staff would revise item #27 to track the language in ARB’s policy document for EJ (6th bullet on page 8).

In terms of the overall intent of Policy II (to strengthen outreach and education efforts), the goal is to focus on the needs of the average citizen, and to make our notices, fact sheets, etc., available at places like public libraries and community centers. In broad terms, people (without Internet access) should also be able get information about our programs without having to go to Sacramento or El Monte. In closing this discussion, it was noted that more could be done to make information more available to local citizens about the facilities in their community and what their rights are. Recognizing resource constraints, efforts should begin with addressing the most critical information needs – at some point, limits need to be established as not every request for information can be met.

- What suggestions do you have for improving the current draft work plan?

As the action items are arranged by calendar quarter, it would help to identify which EJ policy they address as well as what programs within ARB they are included under (e.g., Diesel Risk Reduction Program, Carl Moyer Program). This would allow readers to keep track of progress made under each policy, and what control measures have been adopted to address the EJ policies. With regard to draft item #28 regarding mitigation measures, the group agreed that the language should be amended to track the language in ARB's policy document (3rd bullet on page 11).

- Is “cumulative impacts” shorthand for “cumulative emissions, exposures, and health risk?”

Yes, “risks” was used in the draft plan with the understanding that it stood for all three items – emissions, exposures, and health risks. As its use creates uncertainty for some stakeholders, ARB staff will not be using the shorthand phrase in future EJ-related write-ups.

- What are the top five items that the community groups want addressed?

The stakeholders from environmental groups felt that a discussion of this kind should be a community-based process, but offered their opinions in the context of being able to provide “representative comments,” based on their experience with selected community groups. In total, more than five items were suggested, and the main items were:

- Land-use guidance (for better decision-making), including proximity factors for sources of air toxics;
- Complaint resolution protocol;
- Tools for cumulative emissions, exposures, and health risk analyses;
- Improved emissions inventories (better information on local emissions);
- Improving public access to information and public participation; and
- Promoting pollution prevention.

- What criteria were used to develop the present list and time table?
 - How soon the action item could be initiated and completed;
 - If Board action would be needed to carry out the action item (e.g., adopting an ATCM);
 - Meeting the requirements of existing mandates that identify specific action(s) to be initiated/completed;
 - If the results of a specific action item were needed to carry out other action items; and
 - Projections of how long it would take to collect the data needed to support a specific course of action.

Discussion of the draft work plan came to a close with a commitment to focus on the priorities identified from the beginning – developing a complaint resolution protocol, technical guidance to local land-use agencies, methodologies for assessing cumulative emissions, exposures, and health risks, and improving public access to information. It was asked if impacts to other state and local agencies (and their resource allocations) had been considered to date, and if so, would there be a benefit to inviting land-use planners to participate in the stakeholder group. Also, given the impending state budget cuts, could the draft still plan be implemented with projected resource allocations?

Presentation on the Complaint Resolution Process

Mike Waugh gave a brief presentation on the status of efforts to develop a complaint resolution protocol for community EJ-related concerns. Mr. Waugh gave an overview of the elements contained in the discussion document prepared by ARB staff. Among the items covered in the discussion document were agency roles and responsibilities, and existing complaint resolution protocols at selected air districts and ARB. Due to time constraints, stakeholder discussion was deferred to allow the attendees to view a video prepared by school children from Barrio Logan.

Video on Environmental Concerns at Barrio Logan

At 7:30 p.m., Mr. McKinnon introduced two of the children who participated in and produced the 17-minute video on the perspectives which Barrio Logan residents had concerning the pollution challenges they face. Prior to showing the video, the two children stated that their goal was to do something

to “make things better for all kids.” The video consisted primarily of interviews of Barrio Logan residents, who were asked a series of questions about air pollution in their community. The effort was funded through the Teen Producers Project (Note: more information on the program can be found at www.mediaartcenter.org). After showing the video, it was noted that parts of the video would be aired on KPBS (Los Angeles) at a later date.

Employment Issues

Following the video, Mr. Richard Sanchez, the union representative for the machinists working at NASSCO, made a brief appearance at the meeting. At Mr. McKinnon’s request, Mr. Sanchez said a few words about potential employment opportunities for the 2-3 workers at Master Plating who would lose their jobs if the facility closes, and answered questions. In response to a question that the displaced employees might need training, Mr. Sanchez noted that Solar Turbine has an apprenticeship program, and this would be important to landing jobs in union shops. As the safety of the working conditions in Master Plating is questionable, members of the audience pointed out that workers oftentimes think more about their jobs than their health, and that Cal-OSHA should be contacted since worker safety may be of question. Prior to leaving the meeting, Mr. Sanchez affirmed his offer to help the workers from Master Plating, and provided a phone number where he could be reached ((858) 514-8678).

Barrio Logan Update

After the discussion session with Mr. Sanchez, Linda Murchison presented an overview of work that had been done at Barrio Logan. ARB’s involvement dates back to 1999, as a participant in the working group that was formed to look into the issues raised by local residents. In response to community concerns, an air monitoring station was sited at Memorial Academy, and air quality data were collected for 17-months. In addition to the monitoring effort, ARB staff prepared detailed inventories of emission sources, and developed models to estimate ambient concentrations of air toxics. From the data collected at Memorial Academy, the measured and estimated values were not found to be markedly higher than levels measured at other monitoring stations in the county.

In subsequent discussions with the community, concerns over emissions of hexavalent chromium from metal plating facilities were identified. In December 2001, ARB monitored ambient chromium levels for two weeks in the vicinity of two local plating facilities (Carlson & Beauloye and Master Plating). Carlson & Beauloye is a hard chrome facility, while Master Plating is a decorative chrome facility. During this period, concentrations as high as 22 ng/m³ were measured, but the source of the hexavalent chromium could not be identified with certainty. In cooperation with San Diego County APCD, residents of the neighborhood

were notified about the monitoring effort and the data collected. Inspections of the two chrome plating facilities were conducted to determine what, if any, procedures or processes could be contributing to the high concentrations of hexavalent chromium observed.

In closing, Dr. Murchison commended the City & County of San Diego for moving quickly in response to ARB's findings, and in particular, Supervisor Cox for taking a leadership role at the local level. The cooperation of the residents was also recognized, not only for openly sharing their concerns, but also for allowing monitoring units to be set up in their yards so that direct measurements of chrome deposition could be made. In the follow-up effort that began in February 2002, monitors were placed inside the two chrome plating facilities, and source testing was conducted at Carlson & Beauloye. In this monitoring effort, high-levels were measured in Master Plating (ranging from 150-520 ng/m³), which was later cited for violating local hazardous waste disposal regulations. In comparison, levels measured in source tests at Carlson & Beauloye ranged from 10-30 ng/m³. Several attendees expressed their appreciation for the efforts of the ARB and the San Diego County APCD.

In responding to questions about the air samples, Dr. Murchison noted that the data presented were 24-hour average readings taken over a six-week period. The ambient measurements were consistent with amp-hour usage, indicating a linkage between levels of plating activity and airborne chromium levels in Master Plating and at the homes in-between the two plating facilities. In concluding that the high chromium levels at the houses in-between the two facilities was due to emissions from Master Plating, it was noted that in ambient air, typically 6% of the total chromium collected on a filter is hexavalent chromium. In comparison, the percentage of hexavalent chromium in samples collected in Master Plating was ~90%, and ~50% at the homes between the plating facilities. While some high concentrations were measured after Master Plating was shutdown, it was postulated that activities involved with cleaning up the facility may have re-entrained chrome particles deposited prior to the shutdown. A preliminary hearing is scheduled on May 24th to decide whether the injunction against Master Plating to cease plating activities should be extended. Presently, EHC is meeting with the City & County on this matter, and owner of Master Plating has indicated a willingness to relocate to an industrial area. On May 29th, Supervisor Cox is holding a town hall meeting to review actions taken to date.

As prior land-use decisions contributed to having two homes located between two chrome-plating facilities, a discussion of related issues developed. Mr. McKinnon noted that land-use decisions are not an ARB responsibility, and that ARB must be careful not to overstep its authority. Decisions on land-use must remain under local control, and communities need to take an active part in deciding what should be done. However, as an entity charged with protecting air quality, ARB should examine what it can do to provide technical guidance to

planners about what the consequences of siting a facility in a given location may be. In situations of this kind, where very localized impacts are observed, discussions with land-use planners could be initiated to better understand the range of factors considered in making a facility siting decision. A model for addressing EJ/land-use issues is needed, as it is not possible to anticipate every conceivable siting scenario. The point was made that finding a common ground will not be simple, as communities also need businesses and affordable housing for their long-term viability.

Looking back at what happened at Barrio Logan, various points were raised by the stakeholders about what could have been done differently:

- The need for partnerships to address EJ issues – engaging local agencies earlier in the process (e.g., County Health Department);
- Determining who the proper authority is for questions that arise;
- Developing better ways to inform communities and their elected officials about EJ;
- Determining if there are analogous situations to Barrio Logan in other parts of the state;
- Identifying which factors are important to setting priorities for addressing statewide EJ issues;
- Being able to explain what the differences are between near-source and regional-scale air pollution problems;
- Finding a way to coordinate research with the regulatory process;
- The need for a follow-up study on health effects to assess the long-term impacts of hexavalent chromium to the community; and
- Whether to approve permits for new metal plating facilities.

As for what's next in terms of hexavalent chromium, it was noted that controlling emissions remains a priority for ARB, as efforts are underway, in cooperation with CAPCOA, to adopt a more stringent statewide control measure. While California regulations are much tighter than federal regulations, the near-source problems discovered at Barrio Logan support the need for revisiting the level of protection provided by the existing ATCM. Questions remain as to the potential health impacts to workers at Master Plating as well as area residents.

A question was asked as to whether ARB had any plans to investigate the potential impacts of facilities or activities that aren't currently being regulated

(e.g., dioxin emissions from secondary copper smelters). Are there other emissions sources, as yet unidentified, that may pose serious health risks comparable to hexavalent chromium? Chromium emissions from flame spraying processes and welding were identified, as there are no presently available alternatives for these activities that involve the use of chromium rods. For any prospective air toxic generating process, emission factors will need to be determined to gauge how extensive a problem they might pose. Industry stakeholders expressed a need to be specific about what they would be expected to do; this information is important to developing plans that also consider public and worker safety. In consideration of this discussion, Mr. McKinnon asked for an update of ARB's ATCM activities at the next stakeholder meeting.

Wrap-up & Closing Remarks

Before closing the meeting, a stakeholder asked how the findings made at Barrio Logan would be shared with the community, and what did the community have a right to know about? These questions were left unanswered, with the understanding that they would be discussed at a later date. A stakeholder then thanked ARB for holding the meeting in San Diego so that the residents of Barrio Logan could attend. Mr. McKinnon announced that the next meeting would be on June 4th in Oakland.

The meeting adjourned at 9:15 p.m.